

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC., and)
BAYER HEALTHCARE LLC,)

Plaintiffs,)

v.)

BAXTER INTERNATIONAL INC., and)
BAXTER HEALTHCARE CORPORATION,)

Defendants.)

C.A. No. 05-349-GMS

Jury Trial Demanded

BAXTER HEALTHCARE CORPORATION,)

Counterclaimant,)

v.)

TALECRIS BIOTHERAPEUTICS, INC., and)
BAYER HEALTHCARE LLC,)

Counterdefendants.)

PROPOSED FORM OF ORDER ON CLAIM CONSTRUCTION

After considering the submissions of the parties and hearing oral argument on the matter,
IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Court construes the disputed
claims of the patent in suit as follows:

U.S. Patent No. 6,686,191:

1. “any virus activity”

“any virus activity” is construed to mean “any virus activity that is substantially reduced by
the conditions of step a).”

2. “under conditions...resulting in increased level of anticomplement activity”

“under conditions...resulting in increased level of anticomplement activity” is construed to mean “under conditions sufficient to substantially reduce any virus activity and resulting in increased level of anticomplement activity.”

3. “under conditions sufficient to substantially reduce any virus activity and resulting in increased level of anticomplement activity”

“under conditions sufficient to substantially reduce any virus activity and resulting in increased level of anticomplement activity” is construed to mean “those conditions that are sufficient to substantially reduce any virus activity and result in an increased level of anticomplement activity.”

4. “increased level of anticomplement activity”

“increased level of anticomplement activity” is construed to mean “an anticomplement activity level that increases as a result of contacting the solution with a solvent and detergent.”

5. “increased anticomplement activity of the solution”

“increased anticomplement activity of the solution” is construed to mean “an increase in the anticomplement activity levels of a solution as a result of contacting the solution with a solvent and detergent.”

6. “then incubating the solution of step a)”

“then incubating the solution of step a)” is construed to mean “incubating a solution originating from step a) under conditions of controlled time, pH, temperature, and ionic strength, wherein additional steps may be performed prior to said incubating.”

7. “about 60 CH₅₀ units/mL”

This term is not at issue and therefore no claim construction is required.

9. “anticomplement activity”

“anticomplement activity” is construed to mean “the ability of antibodies to bind complement.”

10. “acceptable level suitable for intravenous administration”

“acceptable level suitable for intravenous administration” is construed to mean “acceptable level suitable for intravenous administration” and includes an anticomplement activity level suitable for release under applicable standards, including standards approved by regulatory agencies, as well as the manufacturer’s internal release standards.

11. “ionic strength”

“ionic strength” is construed to mean “the summation: $I = \frac{1}{2} \sum (c_i z^2)$ where c_i is the concentration of each type of ion (in moles l⁻¹) and z is its charge.”

So Ordered this ____ day of _____, 200__.